

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW OETMAN and
JOSEPH TALBOT,
Plaintiffs,

No. 1:07-cv-125

-v-

HONORABLE PAUL L. MALONEY

CITY OF GRAND RAPIDS, et al.,
Defendants.

ORDER REJECTING PROPOSED PRETRIAL ORDERS

The parties neglected to follow paragraph 7 of the amended case management order (CMO) filed in this action, which requires the parties to submit a final pretrial order that “shall be *jointly* prepared by counsel.” (Dkt. No. 33 - CMO ¶ 7) (emphasis added.) Rather than filing a jointly prepared final pretrial order, the parties filed separate pretrial orders. The parties each blame the other for failing to initiate contact to work on the submission. This explanation does not excuse the parties’ decision to disregard the court’s order.

After briefly reviewing the documents submitted, the Court reminds counsel of several other provisions in paragraph 7 which may have been overlooked. The CMO requires the parties to identify uncontroverted facts to which both parties have agreed and which “may be accepted as established facts.” This portion of the proposed pretrial order should be a nonargumentative statement of facts. The parties shall list the names, addresses, and telephone numbers of both expert and lay witnesses. For non-expert witnesses, the parties must indicate whether the witness will testify or may testify. For expert witnesses, the parties must provide a brief summary of the experts’ qualifications and a statement of the scientific or medical field in which they are offered as experts.

Accordingly, both proposed final pretrial orders (Dkt Nos. 84 and 85) are **REJECTED**. As ordered previously, the parties shall jointly prepare a proposed final pretrial order which shall be filed with the Court by 12:00 p.m. (noon) on Friday, July 10, 2009. **IT IS SO ORDERED.**

Date: July 8, 2009

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge